

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-216259

**DATE:** January 11, 1985

**MATTER OF:** IMODCO

**DIGEST:**

1. A proposal evaluation concluding that the protester's technical proposal contains weaknesses is unobjectionable where the source selection materials indicate that the agency considered the proposal in accordance with the evaluation scheme, the evaluation appears to have been reasonable, and the protester does not question the agency's conclusions as to specific weaknesses.
2. GAO will not object to a technical evaluation on the ground that the agency spent insufficient time conducting the evaluation, where the evaluation was fair, reasonable, and consistent with the stated evaluation criteria.
3. Arguments are untimely and not for consideration by GAO where based on alleged solicitation improprieties but not raised prior to the initial closing date, or where based on other information that was or should have been known to the protester more than 10 days before the protest was filed.
4. Agency properly excluded the cost of any necessary tanker modifications from the evaluation of offers for a tanker mooring system where the solicitation did not provide for evaluation of these costs.

IMODCO protests the award of a contract to SOFEC, Inc. under request for proposals (RFP) No. N00024-84-R-2243, issued by the Department of the Navy for an offshore tanker mooring system. IMODCO principally contends that its proposal was not evaluated properly and that, had the

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evaluation been proper, it would have been the successful offeror. We deny the protest in part and dismiss it in part.

The RFP, issued June 15, 1984, provided that proposals would be evaluated under four categories (listed in order of descending importance): technical approach, experience, management resources, and price. The cover sheet of the RFP informed offerors that the Navy reserved the right to make award without discussions. A similar warning was included in Section L of the RFP, which also advised offerors that they therefore should submit their best offers initially. A conference was held on July 20 to explain the requirement to prospective offerors, and the Navy furnished responses to several written questions prior to the July 30 closing date.

Four proposals were submitted, including those from IMODCO and SOFEC. The technical proposals initially were evaluated and scored by a technical evaluation panel. A contract award review panel then evaluated the proposals anew after a briefing from the evaluation panel chairman, and also reviewed the recommended scoring. The review panel ultimately adopted the recommended scores and subsequently adopted the weighted price scores as calculated by the contracting officer.

SOFEC's technical proposal was scored highest, and also was lowest in cost. IMODCO's proposal was rated technically acceptable but, due to weaknesses in certain areas, was not scored as highly as SOFEC's. Based on SOFEC's highest technical rating and lowest price, the Navy decided that SOFEC's proposal as initially submitted was most advantageous to the government. The Navy thus awarded a firm-fixed-price contract to SOFEC on August 17, without discussions, at the offered price of \$3,471,000.

IMODCO raises a number of allegations based on information it received during an August 30 technical debriefing held by the Navy. The firm first broadly asserts that its proposal was not evaluated in accordance with the RFP technical specifications, and specifically contends that the self-sufficiency of its proposed system was not taken into account.

We have reviewed the source selection materials furnished us by the Navy and find no basis for IMODCO's broad challenge to the technical evaluation of its proposal. The evaluation worksheets contain detailed observations regarding IMODCO's proposal, both positive and negative; none of these statements appear to be based on information or considerations outside the factors set forth in the RFP.

At its debriefing, IMODCO was furnished a summary explanation of the evaluation spelling out the principal strengths and weaknesses in its proposal. Its "Technical Approach" was rated weak in two respects: (1) the proposal did not discuss survivability requirements for the system barge, and (2) the nonbuoyancy of the system's concrete base would necessitate retrieval by mechanical device. Also, while IMODCO's overall experience with single point mooring systems was listed as a strength, its relatively limited experience with single anchor leg mooring systems, the specific type required here, was deemed a weakness under the "Experience" category. IMODCO has not questioned the Navy's conclusions with regard to these weaknesses.

The only specific objection raised by IMODCO--that the self-sufficiency of its system was ignored--is unfounded. As the Navy indicates in its report, the technical evaluation worksheet for "Technical Approach" clearly indicates the Navy considered this aspect of IMODCO's system, listing "self-contained barge independent from tanker" as a strength of the proposal.

Although IMODCO may disagree with the results of the technical evaluation, it has not shown, and we find no indication, that the Navy in fact improperly evaluated its proposal. A protester's mere disagreement with the outcome of an evaluation does not render the evaluation objectionable. General Management Systems, Inc., B-214246, Sept. 25, 1984, 84-2 C.P.D. ¶ 351.

IMODCO also believes the Navy could not have conducted a proper, thorough evaluation in the period between the closing date (July 30) and the date of award (August 17). We will not object to an evaluation on this basis. The Navy, not our Office, is in the best position to determine the amount of time necessary to conduct a

satisfactory technical evaluation in a particular procurement, and the Navy believes it devoted sufficient time and effort to the technical evaluation here. Our Office is concerned only with whether the evaluation was fair, reasonable, and consistent with the stated evaluation criteria, Pitney Bowes, B-213691, Apr. 24, 1984, 84-1 C.P.D. ¶ 472, and we already have found that the evaluation met this standard.

IMODCO raises several issues, which we find are untimely. It asserts that: (1) the RFP's 50-page limit on technical proposals was inadequate; (2) offerors should have been permitted to make technical presentations; (3) the Navy's answers to certain questions from offerors left too many technical details to the judgement of the offerors; and (4) the Navy improperly relaxed certain technical requirements.

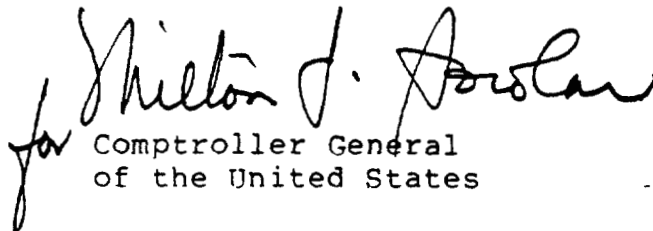
Under our Bid Protest Procedures, a protest concerning alleged improprieties apparent on the face of a solicitation must be filed prior to the closing date for submission of initial proposals. 4 C.F.R. § 21.2(b)(1) (1984). The first three of the above allegations are based on such apparent improprieties: the 50-page limitation was clear from the RFP; the RFP clearly reserved to the Navy the right to make award without technical presentations or other discussions; and the questions were posed by offerors and answered by the Navy prior to the July 30 initial closing date. Because IMODCO's protest was not received before July 30, these allegations are untimely and will not be considered.

Our Procedures also require that a protest concerning other than apparent solicitation improprieties be filed within 10 days after the basis of protest was, or should have been, known. 4 C.F.R. § 21.2(b)(2). The last allegation fails under this test. Although IMODCO states that it determined at the August 30 debriefing that (as it now alleges) the Navy had relaxed certain technical requirements without informing IMODCO, the firm did not assert this basis of protest until October 23, in its response to the agency report. The issue therefore was not timely raised. TRS Design & Consulting Services--Reconsideration, B-214011.2, July 10, 1984, 84-2 C.P.D. ¶ 34.

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Finally, IMODCO contends that the cost of the SOFEC system will exceed the cost of IMODCO's (the protester's offered price was \$7,785,000) when tanker modifications are considered. (These are modifications for the purpose of transporting a system, and would be necessary to some degree for the SOFEC and IMODCO systems.) The RFP, however, did not require offerors to furnish tanker modification cost estimates with their proposals and, in specifying those elements of price that would be evaluated, did not include tanker modifications because the Navy viewed these costs as too uncertain and difficult to estimate at the initial stages of the procurement. This element therefore could not be considered. To the extent IMODCO is arguing that the RFP should have provided for evaluation of tanker modification costs, its protest is untimely. 4 C.F.R. § 21.2(b)(1).

The protest is denied in part and dismissed in part.

  
for Comptroller General  
of the United States